

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Darrius Bosket,

Plaintiff,

Case No. 22-cv-12873

v.

Judith E. Levy

United States District Judge

Portfolio Recovery Associates,

Mag. Judge Curtis Ivy, Jr.

Defendant.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION [14]

Before the Court is Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation (ECF No. 14) recommending the Court (1) dismiss Plaintiff Darrius Bosket's complaint with prejudice for lack of prosecution under Federal Rule of Civil Procedure 41(b), and (2) terminate as moot Defendant Portfolio Recovery Associates' motion to dismiss for failure to prosecute. (ECF No. 10.) The parties were required to file specific written objections, if any, within fourteen days of service. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the Report and Recommendation and concurs in the reasoning and result. Accordingly,

The Report and Recommendation (ECF No. 14) is ADOPTED;

The action is DISMISSED WITH PREJUDICE; and

Defendant's motion to dismiss for failure to prosecute (ECF No. 10) is DENIED¹ AS MOOT.²

IT IS SO ORDERED.

Dated: July 11, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 11, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

¹ Other courts in this district have terminated motions as moot, as the Report and Recommendation recommends. *See, e.g., Rogers v. Midland Credit Mgmt., Inc.*, No. 22-cv-11934, 2023 WL 3726426, at *5 (E.D. Mich. May 30, 2023) (Borman, J.); *Watley v. Whitmer*, No. 23-cv-10831, 2023 WL 4034195, at *1 (E.D. Mich. June 15, 2023) (Leitman, J.). The language in this order is consistent with the Court's general practice to deny motions as moot and does not alter the Court's decision to adopt the Report and Recommendation in full.

² By failing to object to the Report and Recommendation, the parties have forfeited any further right of appeal. *See United States v. Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019); *see also Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019).